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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/761,308	01/22/2004	Tristan Goguen	1552-3/JLW	3087
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DIMOCK STRATTON LLP 20 QUEEN STREET WEST SUITE 3202, BOX 102 TORONTO, ON M5H 3R3 CANADA			EXAMINER ORTIZ, BELIX M	
			ART UNIT 2164	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No. 10/761,308	Applicant(s) GOGUEN, TRISTAN	
	Examiner Belix M. Ortiz	Art Unit 2164	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION:

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities: pre-amble should end with a “:”. Appropriate correction is required.

2. Claims 2-10 are objected to because as being dependent from objected dependent claim 1.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-20 are rejected under 35 U.S.C. 102(e)(Eff. Filing date of foreign application 2/28/2003) as being anticipated by Benowitz et al. (U.S pub. 2003/0236847) (Eff. filing date of provisional application 6/19/2002).

As to claim 1, Benowitz et al. teaches a system for blocking email messages sent over a communications network to a recipient (see abstract and paragraphs 8 and 27), comprising:

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a recipient message handler for receiving email messages from senders (see figure 1A, character 18, figure 5, character 158 and figure 7, character 312),

at least one recipient permitted sender database (PSD) for storing sender information associated with senders authorized by the recipient (see paragraphs 87 and 104),

at least one recipient group Permitted Sender Database (PSD) for storing sender information associated with all members of a recipient group of which the recipient is a member (see paragraph 85 and 87), and

a validation processor for comparing sender information in an email message received from a sender with corresponding sender information stored in the recipient PSD and the recipient group PSD (see abstract and paragraph 8, 10, 87, 91, 93, and 102),

whereby when sender information in an email message sent by a sender matches corresponding sender information stored in the recipient PSD or the recipient group PSD the email message is forwarded or made accessible to the recipient, otherwise the email message is not forwarded or made accessible to the recipient (see abstract; figure 1A, character 16 and 20; figure 7, character 208; and paragraph 8, 10, 87, 91, 93, and 102).

As to claims 2 and 12, Benowitz et al. teaches wherein when the sender information in an email message sent by a sender does not match corresponding sender information stored in the recipient PSD but does match sender information stored in the recipient group PSD, the sender information is added to the recipient PSD(see figures 7 and 9).

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As to claims 3 and 13, Benowitz et al. teaches wherein the sender information comprises a sender email address (see paragraphs 6, 8, and 28).

As to claims 4 and 14, Benowitz et al. teaches wherein the sender information comprises a sender message handler Internet Protocol (IP) address (see paragraphs 28-29).

As to claims 5 and 15, Benowitz et al. teaches wherein when the sender's message handler internet protocol (IP) address does not match the message handler internet protocol (IP) address previously associated with that sender, the sender's message is held (see paragraphs 28-29).

As to claims 6 and 16, Benowitz et al. teaches wherein when sender information in an email message sent by a sender does not match corresponding information stored in the recipient PSD or the recipient group PSD the email message is held for a preset hold interval and a message is sent to the sender with directions for completing a permission request form for submission to the recipient (see figure 1A, characters 20, 22, 24 and figures 7, characters 306, 308, 314, and 316).

As to claims 7 and 17, Benowitz et al. teaches wherein where the recipient does not add the sender to the recipient PSD before the preset hold interval expires, after the preset hold interval the sender's email message is automatically deleted (see figure 7, character 330 and paragraphs 7-8, 12, and 34).

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As to claims 8 and 18, Benowitz et al. teaches wherein where the recipient does not add the sender to the permitted sender database the sender's email message is deleted (see paragraphs 7-8 and 25).

As to claims 9 and 19, Benowitz et al. teaches wherein when the recipient adds a sender to the recipient PSD an email message is automatically sent to the sender notifying the sender of the addition of the sender to the recipient PSD (see figure 7, characters 304, 314-334 and figures 9, characters 402-420).

As to claims 10 and 20, Benowitz et al. teaches wherein an email message is automatically sent to the sender notifying the sender of the refusal to add the sender to the permitted sender database (see paragraphs 102 and 106).

As to claim 11, Benowitz et al. teaches a method of blocking email messages sent over a communications network to a recipient (see abstract and paragraphs 8 and 27), comprising the steps of:

- a. storing in a recipient PSD sender information associated with senders authorized by the recipient (see paragraph 87),
- b. storing in a recipient group PSD sender information associated with senders authorized by at least one other recipient group member in a recipient group of which the recipient is a member (see paragraph 85, 87, and 104),

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c. receiving an email message from a sender (see figure 1A, character 18, figure 5, character 158 and figure 7, character 312),

d. comparing sender information in the email message received from the sender with corresponding sender information stored in the recipient PSD and the recipient group PSD (see abstract and paragraph 8, 10, 87, 91, 93, and 102), and

e. forwarding the email message to the recipient only if the sender information in the email message matches the corresponding sender information stored in the recipient PSD or the recipient class PSD (see abstract; figure 1A, character 16 and 20; figure 7, character 208; and paragraph 8, 10, 87, 91, 93, and 102).

#### ***Response to Arguments***

5. Applicant's arguments filed 30- November- 2007 with respect to the rejected claims in view of the cited references have been fully considered but they are not found persuasive:

In response to applicants' arguments that "Benowitz et al., does not disclose or suggest storing sender information associated with senders authorized by the recipient", the arguments have been fully considered but are not deemed persuasive, because Benowitz et al. teaches "I f no authorization code is detected 156, the CAS will determine 160 whether the sender is on an exclusion list by comparing the email address, IP address and/or MAC address of the sender with the same identifying information on the exclusion list", (see Moyer, paragraph 87);

"This may be triggered by receiving an unacceptable number of unwanted email communications. If the mail server also stores the receiver's email contacts, notification of a

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new authorization code can be automatically generated if desired by the receiver”, (see paragraph 104).



***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on moday-friday 9am-5pm.


The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

bmo

May 1, 2007



ALFORD KINDRED  
PRIMARY EXAMINER